

# **WILL COUNTY**

## **CHAPTER 53**

### **WATER WELL PERMIT**

### **AND WATER SUPPLY ORDINANCE**



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**Adopted July 1989**

**Amended September 2009, November 1, 2012, March 1, 2015, July 21, 2016**

## Chapter 53: Water Well Permit and Water Supply Ordinance

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### **53.01 SHORT TITLE.**

This chapter will be known as the Will County Water Well Permit and Water Supply Ordinance.

(Res. 16-209, amended 7-21-2016; Res. 89-189, adopted 7-20-89)

### **53.02 PURPOSE.**

The purpose of this ordinance is to regulate and supervise the construction of water wells including closed loop wells; to require permits to construct, modify, abandon, or deepen water wells and closed loop wells; to establish a fee schedule for water well and closed loop well related charges; to offset the cost of issuance of such permits; to regulate the inspection of new, modified and deepened water wells and closed loop wells; to regulate the inspection of the sealing of abandoned water wells and closed loop wells; to provide for the incorporation by reference the standards of the Illinois Department of Public Health as set forth in its rules and regulations entitled "Public Area Sanitary Practice Code (77 Ill. Adm. Code 895), "Illinois Plumbing Code (77 Ill. Adm. Code 890), "Illinois Ground Water Protection Act (415 ILCS 55)," "Illinois Water Well Construction Code (77 Ill. Adm. Code 920)," " Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)," "Surface Source Water Treatment Code (77 Ill. Adm. Code 930)," "Drinking Water Systems Code (77 IL. Adm. Code 900)," "Water Well and Pump Installation Contractors License Act ILCS Ch. 225, Act 345," issued by the Illinois Department of Public Health and as may be hereafter amended or revised and/or as may be amended by the County Board.

### **53.03 DEFINITIONS.**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED WELL.** A water, closed loop or monitoring well which is no longer used or which is in such state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety.

**CISTERN.** A cistern is a source of water supply developed by intercepting rainfall with roof surfaces.

**CLOSED LOOP WELL.** Means a sealed, watertight loop of pipe buried outside of a building foundation intended to re-circulate a liquid solution through a heat exchanger but is limited to the construction of the borehole, piping in the borehole, heat exchange fluid, and the grouting of the borehole and does not include the piping and appurtenances used in any other capacity. "Closed loop well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice. (Section 3(h) of the Act) "

**CLOSED LOOP WELL CONTRACTOR.** Means any person who installs closed loop wells for another person. "Closed loop well contractor" does not include the employee of a closed loop contractor. (Section 3(j) of the Act)

**CLOSED LOOP WELL SYSTEM.** Means a clustered group of closed loop wells that serve the same facility.

**HEALTH AUTHORITY.** That person or persons designated by the County Board of Health to enforce this ordinance.

**PERSON.** An individual, or firm, partnership, company, trustee, association, or public or private entity.

**PUBLIC WATER SYSTEM.** A system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term PUBLIC WATER SYSTEM includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(1) **COMMUNITY WATER SYSTEM.** A public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents at least 60 days a year.

(2) **NON-COMMUNITY PUBLIC WATER SYSTEM.** A public water system that is not a community water system that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year.

**SEMI-PRIVATE WATER SYSTEM.** A water system which is not a public water system, yet which serves a segment of the public other than an owner-occupied single-family residence.

**WATER WELL.** Any excavation that is drilled, cored, bored, washed, driven, jetted, dug, or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products or for observation or any other purpose in connection with the development or operation of a gas storage project. (Section 3(e) of the Act)

#### **53.04 PUBLIC WATER SUPPLY USE.**

In those locations where a public water supply is reasonably available, or in areas where contamination risks are present based on past water sample results from a similar water producing formation, that supply should be the sole source of water for drinking or culinary purposes.

#### **53.05 WATER SUPPLY LOCATION, CONSTRUCTION, REPAIR, AND ABANDONMENT.**

(A) *Water wells.* Except as otherwise herein provided, the location, construction, modification, repair, and abandonment of water wells, and the installation of water well pumps, shall be in accordance with the requirements set forth by the Illinois Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920), and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925), which are hereby made part of this ordinance by reference. Copies of the said regulations shall be available in



the office of the Health Authority. Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code.

*(B) Surface water supplies.* All water systems which receive their source of water from ponds, lakes, streams, rivers, or other surface collectors of water shall be designed, constructed, and operated in accordance with the Illinois Department of Public Health Source Water Treatment Code (77 Ill. Adm. Code 930).

*(C) Cisterns.* Cisterns shall not be used for a water supply except where adequate ground water resources are not available. (Cistern water and surface water supplies shall receive treatment in accordance with Illinois Department of Public Health Surface Source Water Treatment Code (77 Ill. Adm. Code 930)).

*(D) Closed Loop wells.* All closed loop or open loop geothermal wells shall be constructed by contractors meeting all applicable registration and certification requirements within the State of Illinois.

*(E) Abandoned wells.* Wells that are not being used for their intended purpose and/or are in a state of disrepair as to present an endangerment to the underground aquifer must be properly sealed in a manner prescribed by the Illinois Water Well Construction Code (77 Ill. Adm. Code 920). Abandoned well sealing activities must be inspected by the Health Authority. A permit application and the applicable fee (see Appendix A) shall be submitted for each well abandonment or for each closed loop well system abandonment (up to 10 wells). The appropriate well abandonment documentation must be submitted by a licensed well contractor within 30 days following the well abandonment.

*(F) Temporary well seals.* A well may be placed into a state of temporary abandonment under the written approval of the Health Authority. Wells approved for temporary abandonment must have the pump and drop pipe removed, the water line from the building to the well cut off and capped, be disinfected, and have either a plastic cap glued to the casing or be welded shut depending on construction. The casing must then be painted a conspicuous color and protected from damage. Wells not meeting current well construction and location requirements will not be considered for temporary abandonment. A well may be kept in a state of temporary abandonment for no longer than 12 months. An extension of 12 additional months may be approved if a date can be provided in writing when the well will be placed back into service.

*(G) Existing wells.* Any well being used which is not compliant with current local and state requirements may remain in use until work is required to maintain acceptable operation, at which time it must be brought into compliance. Buried well seals must be eliminated and a pitless well adapter installed at such a time when the buried seal is accessed for any reason. Pit wells must be eliminated and the well brought into compliance at such a time as the well pit indicates water inundation.

*(H) Homeowner well abandonment.* An individual who is not a licensed well contractor may engage in well sealing activities in accordance with paragraph E of this Section provided the well or wells are not part of a closed loop well system and provided the well is located on land which is owned or leased by such individual and is used by such individual for farming purposes or as such individual's place of abode, provided a written request is made to the Health Authority prior to commencement of well abandonment

indicating acceptable methodology. Abandoned well sealing activities must be inspected by the Health Authority. A permit application and the applicable fee (see Appendix A) shall be submitted for each well abandonment. The appropriate well abandonment documentation must be submitted within 30 days following the well abandonment.

*(I) Supplemental Wells.* Construction of supplemental wells shall not be approved on property connected to a community water supply except as approved by the operator of the community water supply. The appropriate back flow prevention device or check valve must be installed and inspected by a licensed plumbing professional who is certified for such an inspection in accordance with the Illinois State Plumbing Code.

*(J) Dewatering Wells.* Wells designed with the intended purpose of groundwater diversion shall be constructed to industry standards and permitted, either by IEPA, or the Health Authority, as such. The applicable permit fee shall apply for each well constructed (see Appendix A). Abandoned dewatering wells shall be handled in a manner consistent with paragraph E of this section.

*(K) Groundwater Ordinances Reviewed for Use As Environmental Institutional Controls.* When a well is proposed to be installed within an area included in a Groundwater Ordinance Reviewed for Use As Environmental Institutional Controls listed on the Illinois Environmental Protection Agency's website, the requirements of the groundwater ordinance will take precedent.

### **53.06 DISINFECTION AND ANALYSIS.**

All components of a new water well construction and/or modifications to an existing well shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 parts per million to the water in the well and piping system. After purging the water system of any chlorine residual, a water sample shall be taken and analyzed by a certified laboratory and satisfactory results obtained prior to utilizing the water system for drinking and culinary purposes. All fees for samples analyzed by the Health Authority must be paid in accordance with the fee schedule. A copy of the analysis shall be filed with the Health Authority. The water obtained from a semi-private water supply shall meet the nitrate/nitrite, chemical and bacteriological requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611), and the water obtained from a private well shall meet the bacteriological and nitrate/nitrite requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611). The water from a private water system, having surface water as its source, shall meet the nitrate/nitrite, bacteriological and turbidity requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611).

### **53.07 EXEMPTIONS.**

The requirement for a permit in this ordinance shall not be applicable to wells intended to serve a community water supply system, or to monitoring wells.



### **53.08 STORAGE AND WATER LINES.**

Aside from water heater and on-demand systems, a minimum storage capacity of 10 gallons at a minimum pressure of 20 pounds per square inch must be maintained for each residence served. All water lines from the well to the storage tank must be installed below the suspected frost line but not less than 42 inches below grade. All water lines must be installed in compliance with all applicable state and local plumbing regulations.

### **53.09 PERMIT REQUIRED.**

(A) No water well or closed loop well system shall be constructed, modified, abandoned or deepened in Will County, except in accordance with these regulations. It is unlawful to proceed with the construction of a water well or closed loop well without first obtaining a permit from the Health Authority. An approved well permit is valid for one year from the date of issuance and may be renewable (see letter C in this section). All wells and pumps shall be maintained in a safe condition by the owner. A non-community public water supply shall not be operated without first obtaining a permit from the Illinois Department of Public Health. For the purpose of this section, well modification shall be defined as any change, replacement, or other alteration of a water well or closed loop well. This includes, but is not limited to deepening of a well, replacing or repairing a casing, repair or replacement of well screen, installation of a pitless adapter and any other change of a well structure.

(B) Applications for permits shall be in writing and in the format prescribed by the Health Authority. Each permit must be accompanied by a detailed site plan including the location of the well or closed loop wells, lot boundaries, every component of the existing or proposed private sewage disposal system, public sewer and water lines (including storm sewers), buildings, driveways, underground and overhead utilities, and any other prominent landmark or fixture that may affect the location of the well, neighboring wells, private sewage disposal systems and all other sources of contamination if they are within 200 feet of the proposed well or closed loop well system. Any application not meeting the above mentioned requirements shall not be accepted/approved. This Department requires a minimum 3 days permit review period and may require additional reasonable review time as needed to ensure the installation complies with all current state and local regulations.

(C) Each application for the construction, modification or deepening of a water well or closed loop well system shall be accompanied by the applicable permit fee (see Appendix A) payable to the Will County Health Department. This fee is not refundable in the event that an individual decides not to construct, modify, or deepen the water well or closed loop well system. An applicable fee (see Appendix A) shall be charged for the reissuance of any permit which has been voided due to the fact that it is older than one year. At the time of permit issuance, fees (see Appendix A) for both the well inspection and initial water sample shall be paid in full.

(D) Variances. If circumstances exist which make it impractical to achieve full compliance with the requirements of this ordinance, an applicant may seek a variance from the Health Authority prior to the issuance of a permit. Such requests shall be made in writing, and include a detailed explanation, site plan drawn to scale, and variance fee (see Appendix A). The Health Authority shall notify the applicant in writing

of its decision to either grant or deny the variance. After the variance is granted it will be attached to the property's deed by the Will County Recorder of Deeds. Wells drilled under variance must have a second water sample taken no later than 60 days after the well is placed into active service.

Any person aggrieved by the decision of the Health Authority rendered as the result of the variance request may file a written hearing request in the office of the Health Department. A time and place for the hearing will be provided by the Environmental Health Director within thirty (30) days of the date on which the written request was filed. The party requesting the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If after the hearing the Environmental Health Director finds that strict compliance with the decision of the Health Authority would not cause undue hardship on the party requesting the hearing, and that the public health would be adequately protected and substantial justice done by granting a variance, the Environmental Health Director may grant a variance and if necessary make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Environmental Health Director shall render a decision within ten (10) days after the date of the hearing which shall be in writing and placed on file in the office of the Health Department and a copy thereof shall be served on the applicant and the party requesting the hearing personally or by delivery to the petitioner by certified mail.

#### **53.10 REQUIRED INSPECTION AND VIOLATIONS.**

(A) The Health Authority shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work to construct, modify, or deepen a water well or closed loop well for which a permit has been issued, or to seal a water well, boring (including de-watering or closed loop wells), or monitoring well. The Health Authority shall be allowed access to any property for the purpose of performing inspection of well construction, to inspect the sealing of wells, or to investigate abandoned wells.

(B) Violations. If by any means it is determined that a violation has occurred of any provision of this ordinance, the Health Authority shall give notice of such alleged violation. Said notice shall be in writing and shall include a statement of the violation and why the notice is being sent. Further said notice shall include a correction order allowing a reasonable time to take corrective action. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first class mail addressed to the last known address;
3. If notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on any structure affected by such notice.



### **53.11 LICENSING OF WELL DRILLERS AND PUMP INSTALLERS AND REGISTRATION OF CLOSED LOOP WELL CONTRACTORS.**

All individuals who construct water wells and install well pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractors License Act(225 ILCS 345/). Each person who constructs closed loop wells shall be in compliance with the Illinois Water Well Construction Code and Act (415 ILCS 30/).

### **53.12. REPEAL AND DATE OF EFFECT.**

This ordinance shall be in full force and effective immediately following its adoption and publication as provided for by law and in accordance with the law, and at that time all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

### **53.13. CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY.**

In any case where a provision of this ordinance is found to be in conflict with a provision of any building, fire, safety, or health ordinance, or other code, existing on effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

If any chapter, section, sub-section, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such invalidation shall not affect the remaining portions of this ordinance which shall remain in full force and effect. To this end, the provisions of this ordinance are hereby declared to be joint and severable.

### **53.14 INJUNCTIONS.**

In the enforcement of this ordinance, the Health Authority may bring any action, legal or equitable, including an action for injunctive relief that it deems necessary. All moneys collected from fines under this Ordinance shall be deposited to the Will County Health Department.

### **53.99 PENALTIES.**

Whoever violates any of the provisions of this ordinance, or refuses to comply with any lawful order or requirement of the Health Authority duly made in writing as provided herein shall, upon being found guilty, will be subject to a fine of up to \$500 for each and every violation. Each day that a violation continues after due notice has been served and after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Health Authority shall constitute a distinct and separate violation.

**APPENDIX A  
FEE SCHEDULE**

<b>SERVICE</b>	<b>FEE</b>
Well / Closed Loop Well System Permit Fee	\$100
Reissued Well Permit Fee	\$25
Well Variance Processing Fee	\$50
Well Inspection Fee	\$100
Closed loop well system inspection fee (for up to 10 wells)	\$100
Closed loop well system inspection fee (for after 10 wells)	\$10 each
Abandon Well Permit/Sealing Fee	\$80
Abandon Closed Loop Well System Permit/Sealing Fee (for up to 10 wells)	\$80
Abandon Closed Loop Well System Permit/Sealing Fee (for after 10 wells)	\$10 each
Bacterial Analysis Fee for Water Sample	\$20
Bacterial Analysis With Count Fee for Water Sample	\$25
Nitrate Analysis Fee for Water Sample	\$18
Nitrite Analysis Fee for Water Sample with Processing/Handling Fee	\$25
Bacterial and Nitrate Combo Analysis Fee for Water Sample	\$38
Bacterial With Count and Nitrate Combo Analysis Fee for Water Sample	\$43
Chlorine Check Fee for Water Sample	\$5
Hardness Analysis Fee for Water Sample	\$18
Fluoride Analysis Fee for Water Sample	\$24

All fees shall be made payable to the Will County Health Department and these fees shall not be refundable.



**ORDINANCE OF THE COUNTY BOARD  
WILL COUNTY, ILLINOIS**

***Amendments to the Will County Chapter 53 Water Well Permit & Water Supply Ordinance***

**WHEREAS**, the Board of Health reviews and recommends to the County Board, changes to existing Health Department related ordinances, and

**WHEREAS**, the Board of Health has reviewed the amendments to the Will County Chapter 53 Water Well Permit and Water Supply Ordinance as proposed and recommends the adoption of the Ordinance and the accompanying fee schedule contained in Appendix A, and

**WHEREAS**, a Public Hearing was properly published and held at the Public Health & Safety Committee in Joliet, Illinois on July 7, 2016, and

**WHEREAS**, the Public Health & Safety Committee concurs with the Board of Health's request, and

**WHEREAS**, the Will County Board wishes to make amendments to Chapter 53, Water Well Permit and Supply Ordinance and the accompanying fee schedule as attached.

**NOW, THEREFORE, BE IT ORDAINED**, that the Will County Board officially adopts Chapter 53 Water Well Permit and Supply Ordinance with amendments and accompanying fee schedule as attached and recommended by the Will County Board of Health.

**BE IT FURTHER ORDAINED**, that the Preamble of this Ordinance is hereby adopted as if fully set forth herein. This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

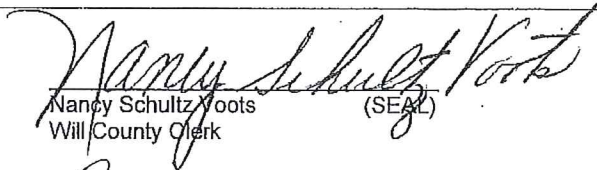


Adopted by the Will County Board this 21st day of July, 2016.

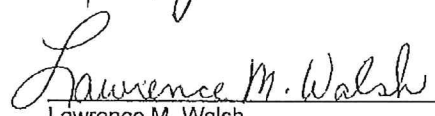
<b>AYES:</b>	Howard, Ogalla, Moustis, Moran, Rice, Traynere, Bennefield, Fritz, Freitag, Gould, Balich, Fricilone, Brooks Jr., Winfrey, Parker, Staley-Ferry, Wilhelmi, Weigel, Collins, Ferry
<b>ABSENT:</b>	Singer, Harris, Babich, Hart, Maher, Tuminello

Result: Approved - [Unanimous]

Approved this 21<sup>st</sup> day of July, 2016.

  
Nancy Schultz Voots  
Will County Clerk

(SEAL)

  
Lawrence M. Walsh  
Will County Executive